

REMARKS

Claims 1-23 and 25-41 are currently pending. Claims 40 and 41 have been added. Applicants acknowledge and appreciate the Examiner's indication that Claims 13-23 and 32-35 are allowed and Claims 2-3, 6-12, and 30-31 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 1, 2, 3, 6, 25, 28-29, and 39 have been amended.

New Claim 41 depends from allowed Claim 20. As such, Claim 41 is allowable.

Claims 2, 3, and 6 have been amended to include all of the limitations of the base claim and any intervening claims. As such, Claims 2, 3, and 6 are allowable. In addition, Claims 7-12, 30-31, and 40, which depend from Claim 6 are allowable.

Claim 1 has been amended to overcome the Examiner's rejection based on 35 U.S.C. §112, second paragraph. The Applicants have amended the phrase "substantially similar" to read "substantially the same," as suggested by the Examiner.

The Examiner rejected Claims 1 and 4-5 under 35 U.S.C. §102(b) as being unpatentable in view of Murray (U.S. Patent No. 4,631,006).

Claim 1 defines an apparatus that comprises a driven element including a housing having an outer surface. The outer surface has a first raised portion and a first non-raised portion. The first non-raised portion at least partially surrounds the first raised portion. The first raised and first non-raised portions define a substantially continuous first surface pattern. The apparatus also includes a driving element operably coupled to the driven element and a shield coupled to the driving element such that the shield at least partially covers at least one of the driven element and the driving element. The shield includes an outer surface that has a second raised portion and a second non-raised portion. The second non-raised portion at least partially surrounds the

second raised portion. The second raised and second non-raised portions define a substantially continuous second surface pattern that is substantially the same as the first surface pattern.

Murray does not teach or suggest a driven element including a housing having a first raised portion and a first non-raised portion that define a substantially continuous first surface pattern and a shield including an outer surface having a second raised portion and a second non-raised portion that define a substantially continuous second surface pattern. In addition, Murray does not teach or suggest a second surface pattern that is substantially the same as the first surface pattern. Rather, Murray teaches a pump housing 18 that includes an adapter plate 16. The adapter plate has a gas ballast fitting 22 that extends from an aperture in the plate. A motor is coupled to the pump and includes a motor casing 10. A bolt 38 extends above the surface of the casing and engages the handle assembly 12 to attach the handle assembly to the motor.

The Examiner argues that the gas ballast fitting is a first raised portion that is partially surrounded by the first non-raised portion (the housing 18 and plate 16). The Examiner further argues that the hole into which the gas ballast fitting is installed is the first surface pattern. If this is the case, the gas ballast fitting 22 forms no part of the surface pattern. It simply passes through the opening. As such, the gas ballast fitting could be eliminated without affecting the surface pattern. Thus, Murray does not teach or suggest a first raised portion and a first non-raised portion that define a substantially continuous first surface pattern as the raised portion (as defined by the Examiner) forms no part of the pattern. Similarly, the Examiner argues that the bolt 38 is the second raised portion but the second surface pattern is defined by the hole through which the bolt passes. Thus, the raised portion (the bolt, as defined by the Examiner) could be eliminated without changing the surface pattern. As such, the second raised portion and the second non-raised portion of Murray do not define the second surface pattern.

Even if the hole (receiving gas ballast fitting 22) and the holes (receiving bolts 38) were considered to be surface patterns defined by the raised and non-raised portions (a contention Applicants disagree with) the holes do not define substantially continuous surface patterns, nor are they substantially the same as one another. The first surface pattern would include a single hole that receives the large gas ballast fitting 22, while the second surface pattern would include four holes that receive the bolts 38. A single hole does not define a substantially continuous surface pattern. In addition, a single hole does not define a substantially continuous pattern that is substantially the same as four holes in the motor housing.

For these and other reasons, Murray does not teach or suggest the subject matter defined by independent Claim 1. Accordingly, independent Claim 1 is allowable. Dependent Claims 4 and 5 depend from independent Claim 1 and are allowable for the same and other reasons.

The Examiner rejected Claims 25-29 and 36-39 as being unpatentable in view of Carey (U.S. Patent No. 5,391,837).

Claim 25 defines an apparatus including a motor and a conduit box coupled to the motor. The conduit box has a base, at least one wall, and an open side defined by the wall and opposite the base. A shield is coupled to the conduit box. The shield is substantially larger than the conduit box such that the shield covers the open side of the conduit box and at least a portion of the motor not covered by the conduit box. An alignment member is coupled to the shield. The alignment member engages the conduit box to properly align the shield and the motor.

Carey does not teach or suggest a shield that is substantially larger than the conduit box such that the shield covers the open side of the conduit box and at least a portion of the motor not covered by the conduit box. Rather, Carey teaches a conduit box 16 having a conduit box cover

18. The conduit box cover 18 is, at best, only slightly larger than the conduit box and is not substantially larger than the conduit box.

For these and other reasons, Carey does not teach or suggest the subject matter defined by independent Claim 25. Accordingly, independent Claim 25 is allowable. Dependent Claims 26-28 depend from independent Claim 25 and are allowable for the same and other reasons.

Claim 29 defines an apparatus including a motor and a conduit box coupled to the motor. The conduit box has a base, at least one wall, and an open side defined by the wall and opposite the base. The open side faces up when the motor is in an operating position. A shield is coupled to the conduit box and is sized to cover the open side of the conduit box and to substantially cover the motor.

Carey does not teach or suggest a shield coupled to a conduit box and sized to cover the open side of the conduit box and to substantially cover the motor. Rather, Carey teaches a conduit box 16 having a conduit box cover 18. The conduit box cover 18 covers the conduit box opening and a small portion of the motor. However, the conduit box cover does not substantially cover the motor.

For these and other reasons, Carey does not teach or suggest the subject matter defined by independent Claim 29. Accordingly, independent Claim 29 is allowable. Dependent Claims 36-39 depend from independent Claim 29 and are allowable for the same and other reasons.

Conclusion

In light of the foregoing, Applicants respectfully request entry of the amendments and allowance of Claims 1-23 and 25-41.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Th J Otterlee', written in a cursive style.

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